

R-09-178

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ESTABLISHING RULES TO FILE FOR THE  
VACANT POSITION OF ALDERMAN REPRESENTING THE  
THIRD WARD; AND FOR OTHER PURPOSES.**

WHEREAS, Ark. Code Ann. § 14-43-411(b)(1) provides that when a vacancy in the office of alderman occurs in a city of population greater than twenty thousand (20,000) and more than one year remains in the unexpired portion of the term, then at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to either elect by majority vote of the remaining members of the council an alderman to serve for the unexpired term or call for a special election to be held in accordance with Ark. Code Ann. § 7-11-101 to fill the vacancy; and

WHEREAS, on November 20, 2009, Cary Gaines, a duly elected Alderman representing the Third Ward of the City of North Little Rock, Arkansas, tendered his resignation with more than one year remaining in the unexpired portion of his term; and

WHEREAS, on November 23, 2009, at the first regular meeting after the resignation of Alderman Gaines was tendered, the City Council of North Little Rock accepted the resignation and determined *viva voce* to fill the vacancy by majority vote of the remaining members of the council; and

WHEREAS, the City Council seeks to establish and proclaim uniform rules for interested and qualified electors residing within the Third Ward of the City of North Little Rock, Arkansas to be declared as proper candidates to fill the current vacancy in the position of Alderman.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: RESIGNATION ACCEPTED. That the City Council of North Little Rock hereby ratifies and confirms the acceptance of Alderman Gaines' resignation on November 23, 2009 resulting in a vacancy in that position.

SECTION 2: METHOD OF FILLING VACANCY. That the City Council of North Little Rock hereby ratifies and confirms the determination made on November 23, 2009 to fill the vacancy created by Alderman Gaines' resignation by majority vote of the remaining members of the council.

SECTION 3: FILING PERIOD. That a filing period is declared to be open, during which any interested and qualified elector residing within the Third Ward of the City of North Little Rock, Arkansas may declare his or her candidacy for the position of Alderman which is presently vacant. The filing period shall remain open until the close of business at 4:30 p.m. on December 31, 2009. If the Office of City Clerk shall be closed on December 31, 2009, or any portion of that day, due to inclement weather, the

City Clerk may extend the filing period until the close of business at 4:30 p.m. on the first day that the Office of City Clerk has been reopened.

Persons who have submitted letters, emails, or other written or electronic documentation expressing an interest in the vacancy *prior to* the passage of this resolution shall be considered to be properly filed so long as all filing requirements in Section 4 have been met.

SECTION 4: FILING REQUIREMENTS. Any eligible person seeking to declare candidacy for the position of Ward Three Alderman must submit the following documents to the North Little Rock City Clerk prior to the end of the filing period:

- A) Statement of Interest;
- B) Resume; and
- C) Personal Information Sheet;

In accordance with Ark. Code Ann. § 21-8-701(c)(1)(A), each candidate shall also file a Statement of Financial Interest with the North Little Rock City Clerk no later than January 4, 2010.

SECTION 5: RECEIPT OF FILING. The City Clerk shall provide a receipt to each person who properly files documents pursuant to this Resolution. As practicable, the City Clerk is authorized to accept documents that are electronically filed by fax or email and provide a receipt for filing through the same medium.

SECTION 6: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

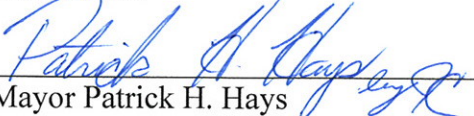
APPROVED:

\_\_\_\_\_

\_\_\_\_\_  
Mayor Patrick H. Hays

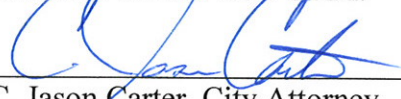
SPONSOR:

ATTEST:

  
\_\_\_\_\_  
Mayor Patrick H. Hays

\_\_\_\_\_  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY

FILED 11:58 A.M. \_\_\_\_\_ P.M.  
BY City Atty. Carter  
DATE 12-8-09  
Diane Whitbey, City Clerk and Collector  
North Little Rock, Arkansas  
RECEIVED by 